



PATENT
Attorney Docket No. 17616-705

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Hugh R. Sharkey, et al.

Application No.: 08/714,987

Filed: 9/17/96

For: METHOD AND APPARATUS FOR
CONTROLLED CONTRACTION OF
SOFT TISSUE

Group Art Unit: 3739

Examiner: Shay, D.

**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION
OVER A PRIOR PATENT**

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

Your Petitioner, Oratec Interventions, Inc., residing at 3700 Haven Court, Menlo Park, California 94025 certifies that, to the best of its knowledge and belief, it is the owner of 100% of the entire right, title and interest of the above-captioned application, Serial No.08/714,987, filed September 17, 1996, by virtue of an Assignment, which is has duly reviewed and recorded in the U.S. Patent and Trademark Office, on November 13, 1996 and recorded at Reel 8289, Frame 0040.

Your Petitioner, through the undersigned officer who is authorized to sign this document on behalf of said assignee, hereby disclaims the terminal part of any Patent granted on the above-identified application, Ser. No. 08/714,987, which would extend beyond the full statutory term as presently shortened by any terminal disclaimer of prior Patent No. 5,458,596 and hereby agrees that any Patent so granted on the above-identified application, Ser. No. 08/714,987, shall be enforceable only for and during such period that it and prior Patent 5,458,596 are commonly owned. This agreement runs with any Patent granted on the above-identified application, Ser. No. 08/714,987, and is binding upon the grantee, its successor, or assigns.

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Your petitioner does not disclaim any terminal part of any Patent granted on the above-identified application, Ser. No. 08/714,987, prior to the expiration date of the full statutory term as presently shortened by any terminal disclaimer of United States Patent No. 5,458,596 in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321(a), has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

ORATEC INTERVENTIONS, INC.

Date: 5/3/99

By: 

Name: Hugh R. Sharkey

Title: Executive Vice President and
Chief Technology Officer